



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

www.southernshores-nc.gov

Council Meeting

January 8, 2013

7:00 p.m.-Pitts Center

Mayor Denny called the meeting to order at 7:00 p.m. in the Pitts Center with the following Council Members present: Mayor Hal Denny, Mayor pro tem Jodi Hess, Council Members George Kowalski, David Sanders and Larry Lawhon. Also present: Town Manager Peter Rascoe, Town Attorney Ben Gallop and Town Clerk Carrie Gordin.

Mayor Denny led the Pledge of Allegiance and held a Moment of Silence for the recent loss of residents Jane Harvey, Frank Klahre and James Briet.

APPROVAL OF AGENDA

Mayor pro tem Hess moved to approve the agenda as presented. Council Member Sanders seconded. The motion passed unanimously.

APPROVAL OF MINUTES-DECEMBER 4, 2012

Mayor pro tem Hess moved to approve the minutes as presented. Council Member Lawhon seconded. The motion passed unanimously.

CONSENT AGENDA

- A. Resolution 2013-01-01-Clean Water Management Trust Fund
- B. Resolution 2013-01-02-Clarify Municipal Authority on the State's Ocean Beaches
- C. Resolution 2013-01-03-Verifying Agency (Southern Shores Volunteer Fire Department) for State Fire Marshall Office
- D. Resolution 2013-01-04-NC Alcohol Beverage Control Commission-Designated Official
- E. Resolution 2013-01-05-NC Governor's Highway Safety Program
- F. Requests to return purchased cemetery lots back to the Town
- G. Resolution 2013-01-06-Support of North Carolina Legislative Coastal Caucus

Council Member Sanders moved to approve the Consent Agenda as presented. Council Member Kowalski seconded. The motion passed unanimously.

[Clerk's Note: Copies of the Consent Agenda items are hereby attached as Exhibit A].

STAFF REPORTS

Wes Haskett, Town Planner, presented the monthly report

[Clerk's Note: A copy of the monthly Planner's Report is hereby attached as Exhibit B].

Police Department

Chief Kole presented monthly report.

Southern Shores Volunteer Fire Department

Chief Harvey presented a monthly and year-end report.

REPORTS FROM BOARDS, COMMITTEES, AND ASSOCIATIONS

Southern Shores Civic Association (SSCA)-Ross Mitchell, President, gave a report on current SSCA operations and announced the SSCA's General Membership Meeting will be held on January 14 at 7:00 p.m. in the Pitts Center.

Chicahauk Property Owner's Association (CPOA)-Leo Holland gave a report on current CPOA operations.

GENERAL PUBLIC COMMENT-None

OLD BUSINESS

NEW BUSINESS

FY2012-2013 Budget Amendment #4

The Town Manager recommended Budget Amendment #4 to establish a budget during the current fiscal year for the Phase II Canal dredging project.

Mayor Denny moved to approve Budget amendment #4 as presented. Council Member Lawhon seconded. The motion passed unanimously.

Albemarle Rural Planning Organization (RPO)-Town Representative Reappointments

The RPO request current Town representatives be reappointed or to nominate new members to serve on the Transportation Advisory Committee (TAC) and the Technical Coordinating Committee (TCC).

Council Member Sanders moved to reappoint Wes Haskett to the RPO's TCC and Council Member Lawhon to the RPO's TAC. Mayor pro tem Hess seconded. The motion passed unanimously.

OTHER ITEMS

Town Manager

The Town Manager reported the following:

- The NC General Assembly will convene on January 9, 2013.
- Dare County 2013 reevaluation property values will be presented to the County Board of Commissioners by the County Assessor on February 18, 2013.
- He recommends that discussion of potential construction and demolition debris collection services be included on the January 22 workshop meeting agenda, along with consideration of on-call engineering services proposals, and a proposed amendment to the Town's Purchasing and Bid Requirement Policy.
- Juniper/Trinitie Trails Bridge will be closed from January 28-30 for repairs by the NCDOT.
- He anticipates receiving a contract from the NCDOT in the near future for engineering for the Tall Pine Bridge replacement project.

- He deferred to the Town's consulting engineer and project manager for the street re-build work being performed at Gravey Pond Lane and Deer Path Lane. Mr. Anlauf presented an update report on the project. Mr. Anlauf also reported on the status of the request for bids for the Honeysuckle Lane street re-build project.

Town Attorney-None

Mayor-None

Council

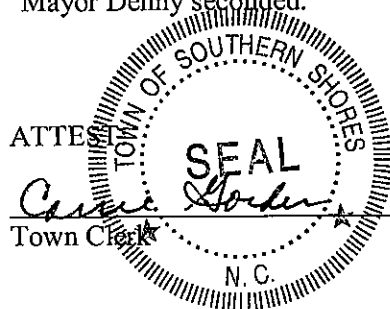
Council Member Sanders asked if an on-line survey could be provided for residents to state whether they desired for the Town to provide a collection service for construction and demolition debris. This proposal will be discussed at the January 22 workshop meeting. He also voiced concern that the recent change in state law requiring the NC Division of Motor Vehicles to collect motor vehicle property taxes upon vehicle re-registrations and whether such a process could adversely affect county tax collections and disbursements to the Town.

Council Member Kowalski asked when the Council retreat will be held. Following discussion, it was the consensus of the Council members that a Council retreat be held the afternoon of February 20. Mayor Denny appointed Mayor pro tem Hess and Council Member Kowalski to work with the Town Manager on developing a retreat agenda.

Hearing no other business Council Member Lawhon moved to adjourn the meeting at 8:01 p.m.
Mayor Denny seconded.

ATTEST

Town Clerk



Mayor

Resolution to Support the 2013-2015 Funding for
Clean Water Management Trust Fund

Whereas the 1996 General Assembly established the Clean Water Management Trust Fund (CWMTF) to provide an innovative and non-regulatory approach to the protection and restoration of the State's surface waters; and

Whereas the CWMTF is a non-regulatory program established to help meet infrastructure needs of municipalities and counties, restore degraded surface water, protect watersheds, increase recreation, and enhance quality of life, all critical components for economic development; and

Whereas the CWMTF has funded 452 infrastructure projects to assist NC communities balance infrastructure needs with environmental protection and to become self-reliant with future infrastructure needs; and

Whereas infrastructure needs in NC addressing drinking water, wastewater, and stormwater are estimated at \$16.6 billion between 2005 and 2030; and

Whereas the CWMTF has leveraged more than \$1billion of private, local, and federal funds to support projects; and

Whereas the General Assembly has reduced funding for the CWMTF by 78% since 2010; and

Whereas limited funding for the CWMTF left 88% of 2012 critical local needs unmet; and

Whereas our economic vitality, health, and ability to sustain ourselves and the natural environment all rely on clean water; and

Whereas surface water must be protected to ensure sufficient drinking water supply for the state's growing industrial base and population; and

Whereas, CWMTF has provided numerous grants to small and large municipalities and counties in NC to protect, restore or enhance surface water quality for the benefit of the State's agriculture, military, recreation and tourism economies and to protect our natural heritage; and

Now, Therefore, be it Resolved that the Town of Southern Shores supports the CWMTF, and that the Fund receive an increase in recurring funding from the Governor and the NC General Assembly for the 2013-2015 biennial budget.

Adopted this the 8th day of January 2013.

Mayor

Town Clerk

**RESOLUTION REQUESTING STATE LEGISLATION
TO CLARIFY MUNICIPAL AUTHORITY ON THE STATE'S OCEAN BEACHES**

WHEREAS, North Carolina General Statute 77-20 formally delineates the State's ocean beaches from the dunes to the water as public trust areas, and

WHEREAS, various North Carolina General Statutes provide municipal authority to regulate activities in the public trust areas of ocean beaches, and

WHEREAS, the Town of Southern Shores and the other 20 oceanfront municipalities in North Carolina have historically and continue to regulate activities in the public trust areas of ocean beaches in order to promote and protect the health, safety, and welfare of the public, and

WHEREAS, the range of activities historically and currently regulated by oceanfront municipalities includes, among others: public access, beach driving, beach horseback riding, dune protection, leash laws, prohibition of litter, prohibition of fires, prohibition of camping, unattended beach equipment, preservation of adequate emergency and public service vehicle travel ways, removal of structures, smoking, prevention of dangerous holes in the sand, environmental habitat protection, and

WHEREAS, recent Court decisions and legal claims have called into question the authority of North Carolina's oceanfront municipalities to regulate activities in the public trust areas of ocean beaches, and

WHEREAS, new State legislation to clarify oceanfront municipalities' authority would address these questions and provide clear guidance to oceanfront municipalities, the general public, and private oceanfront property owners,

NOW, THEREFORE, BE IT RESOLVED that the Town of Southern Shores Town Council hereby requests that the North Carolina General Assembly approve legislation to clarify the authority of oceanfront municipalities to regulate activities in the public trust areas of ocean beaches in order to promote and protect the health, safety, and welfare of the public.

BE IT FURTHER RESOLVED that the following language for new legislation is suggested for consideration by the North Carolina General Assembly:

160A-203

**AN ACT TO CLARIFY THE AUTHORITY OF MUNICIPALITIES TO REGULATE THE
STATE'S OCEAN BEACHES**

1. Pursuant to a municipality's authority to define, regulate, restrict, abate and prohibit acts, omissions, or conditions determined by the municipality to be detrimental to the health, safety, or welfare of its citizens and its peace and dignity, a municipality by ordinance may regulate, restrict and prohibit the placement, development, maintenance, repair, alteration, improvement, location and use of structures, equipment, personal

property, and debris upon the barrier dunes or the State's ocean beaches located within or adjacent to the jurisdictional boundaries of the municipality. Pursuant to this authority any such municipality may adopt such an ordinance to prevent or abate the unreasonable restriction of the general public's rights to use the State's ocean beaches. Any such ordinance may provide for summary procedures to remove or abate offending items, except any procedure potentially resulting in the removal of otherwise lawful structures that are not in imminent danger of collapse shall include provisions for notice and hearing before the municipality's governing board and recovery of the municipality's costs for the same in the manner provided by N.C.G.S. 160A-441 et. seq. Otherwise and additionally, any violation of an ordinance adopted pursuant to this section may be enforced by any remedy available under N.C.G.S. 160A-175. Nothing herein shall preclude a municipality from seeking the removal or abatement of any structure through a court order entered by any court of competent jurisdiction, either as an alternative to or in lieu of any other remedy available to the municipality under this section.

2. Nothing herein shall be deemed to limit other existing authority of municipalities or the authority of the State of North Carolina or its agencies to regulate the State's ocean beaches consistent with the laws of this State. The provisions of this Act shall not be construed to impair the right of the people to the customary free use and enjoyment of the ocean beaches, which rights remain reserved to the people of this State under the common law and are a part of the common heritage of the State recognized by Article XIV, Section 5 of the Constitution of North Carolina. Likewise, nothing herein shall be deemed to interfere with, invalidate or act as a taking of riparian, littoral or other ownership rights of owners of property bounded by the Atlantic Ocean.

3. The term "ocean beaches" as used herein shall be as defined in NCGS 77-20(e).

Adopted this the 8th day of January, 2013.

Hal Denny, Mayor

ATTEST:

Carrie Gordin, Town Clerk

RESOLUTION OF THE TOWN OF SOUTHERN SHORES VERIFYING AGENCY

Whereas, the Southern Shores Volunteer Fire Department is a North Carolina non-profit corporation; and

Whereas the Southern Shores Volunteer Fire Department serves as an Agency of the Town of Southern Shores pursuant to a contractual agreement; and

Whereas, the Southern Shores Volunteer Fire Department has requested confirmation of this Agency relationship; and

Whereas, the Agency's relationship is long-standing, generally acknowledged, and documented by contractual agreement.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Southern Shores, North Carolina, does hereby confirm the agency relationship between the Town of Southern Shores and the Southern Shores Volunteer Fire Department, and does verify by this Resolution that relationship as it exists pursuant to contractual agreement.

Adopted this 8th day January 2013.

Mayor Hal Denny

ATTEST:

Town Clerk

2013-01-07

**NORTH CAROLINA
ALCOHOLIC BEVERAGE CONTROL COMMISSION**
(919) 779-0700

Location: 400 E. Tryon Road
Raleigh, NC 27610

Mail: 4307 Audit Service Center
Raleigh, NC 27699-4207

RESOLUTION OF THE CITY OF Southern Shores, COUNTY OF
Dare, REGARDING THE DESIGNATION OF AN OFFICIAL TO
MAKE RECOMMENDATIONS TO THE NORTH CAROLINA ALCOHOLIC BEVERAGE
CONTROL COMMISSION ON ABC PERMIT APPLICATIONS.

WHEREAS G.S.18B-904(f) authorizes a governing body to designate an official, by name or by
position, to make recommendations concerning the suitability of persons or locations for ABC permits;
and

WHEREAS the City of Southern Shores, County of
Dare, wishes to notify the NC ABC Commission of its
designation as required by G.S.18B-904(f);

BE IT THEREFORE RESOLVED that David M. Kale, Chief of Police,
(Name of Official) (Title or Position)

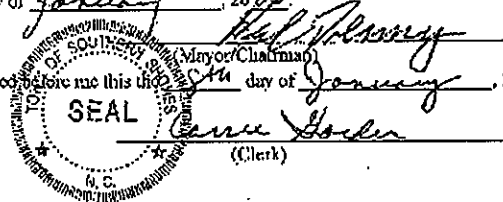
is hereby designated to notify the North Carolina Alcoholic Beverage Control Commission of the
recommendations of the City of Southern Shores, County of
Dare, regarding the suitability of persons and locations for ABC
permits within its jurisdiction.

BE IT FURTHER RESOLVED THAT notices to the City of Southern Shores, County
of Dare, should be mailed or delivered to the official designated above
at the following address:

Mailing address: Southern Shores Police Dept.
Office location: 5375 N. Virginia Dare Trail
City: Southern Shores, NC
Zip Code: 27949 Phone #: 252-261-3331

This the 8th day of January, 2013.

Sworn to and subscribed before me this 8th day of January, 2013.

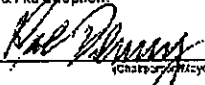



North Carolina Governor's Highway Safety Program
LOCAL GOVERNMENTAL RESOLUTION

Resolution
2013-01-05

WHEREAS the Town of Southern Shores Police Department (herein called the "Agency")
(The Applicant Agency)
has completed an application contract for traffic safety funding; and that Town Council Town of Southern Shores
(The Governing Body/ The Agency)
Town of Southern Shores (herein called the "Governing Body") has thoroughly considered the problem identified and has reviewed the project as described in the contract;
THEREFORE, NOW BE IT RESOLVED BY THE Town Council Town of Southern Shores IN OPEN
(Governing Body)
MEETING ASSEMBLED IN THE CITY OF Southern Shores, NORTH CAROLINA,
THIS 8th DAY OF January, 2013, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. That David M. Kole Chief of Police is authorized to file, on behalf of the Governing
(Name and Title of Representative)
Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal funding in the amount of \$ 95,285.00 to be made to the Governing Body to assist in defraying
(Federal Dollars Received)
the cost of the project described in the contract application; and
3. That the Governing Body has formally appropriated the cash contribution of \$ 16,815.00 as
(Local Cash Appropriation)
required by the project contract; and
4. That the Project Director designated in the application contract shall furnish or make arrangement for other appropriate persons to furnish such information, data, documents and reports as required by the contract, if approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting by 
(Mayor)

ATTESTED BY 
(Clerk)

DATE: 1/8/13



Rev. 7/11

Agenda Item Summary Sheet

TAB: 2 -F

Meeting Date: January 8, 2013

Item Title: Request to return purchased cemetery lots back to the Town.

Item Summary: The Town has received two separate requests to return cemetery lots back to the Town. In accordance to our cemetery rules the purchaser will receive the amount paid upon purchase and these requests are to be approved by Council. Upon approval said lots will be placed for resale at the current sale price.

Lots 157 and 162 purchased in 2005=\$400

Lots 485 and 486 purchased in 2002=\$400

Carrie Gordin
Town Clerk

Date 13/2013

Resolution 2013-01-06

RESOLUTION IN SUPPORT OF NORTH CAROLINA LEGISLATIVE COASTAL CAUCUS

WHEREAS, representative governance for the State of North Carolina lies within the capable hands of the 170 Members of the Senate and House of Representatives of the North Carolina General Assembly, and;

WHEREAS, the Members are elected to the General Assembly from every geographical part of North Carolina, America's 10th most populous state, and take with them to the General Assembly the wishes, needs, and concerns of the citizens they represent, and;

WHEREAS, the coastal areas of North Carolina are distinct from other parts of the State in many of the environmental and developmental challenges faced, in the types of businesses and industries that provide the coastal areas' contributions to the North Carolina economy, and in other aspects which contribute to the quality of life for residents and many visitors, and;

WHEREAS, the formation of like-minded groups of elected Senators and Representatives, known as caucuses, is a long and respected tradition among Members of the North Carolina General Assembly, having been created over time for a variety of common-interest purposes.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southern Shores, Dare County, NC, that it supports and encourages the formation and aggressive engagement of a bi-partisan Legislative Coastal Caucus, which will include Members of both the Senate and House of Representatives of the North Carolina General Assembly, who will labor diligently and cooperatively to ensure that Coastal North Carolina continues to be an integral and vibrant component of North Carolina. And that a copy of this resolution be delivered to Members of General Assembly representing coastal areas, as well as to all other entities interested in its purpose.

Adopted this 8th day of January, 2013.

(SEAL)

Mayor

ATTEST:

Town Clerk

Exhibit B

**1-8-13 TC Report
Town Planner
Month of December**

1. Permitting and Inspections for December, 2012

- 6 Zoning Permits were issued. 2012: 52
- 25 building permits were issued: 2 new single-family dwellings, 1 addition, 3 remodels, 3 lot disturbances, and 16 others. YTD Building Permits issued: 150
- 76 building inspections were conducted (40 job sites).
- Number of single-family dwellings under construction: 12. YTD: 8
- Total amount of fees collected in December was \$8,417.10. YTD: \$45,535.60

2. Wireless Facilities

- Also in December, we received an application for a 4G LTE modification to the existing AT&T collocation on the Dare County water tank adjacent to Kitty Hawk Elementary School. The zoning permit and building permit were approved last week and I have been told that AT&T hopes to provide their customers with 4G service before the summer season begins.

3. Automated Ice Vending Machine ZTA

- The machine produces and vends 16 pound and 20 pound (\$2.00) bags of ice and water in 1 gallon or 5 gallon amounts.
- The applicants would like to locate a machine, which would be about 75 square feet, in the parking lot at The Marketplace. An application and proposed language has been submitted and will be reviewed by the Planning Board at their January 22nd meeting.